

Message Text

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43

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 L-03 H-02 FBIE-00 DHA-02

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 8657

C O N F I D E N T I A L NASSAU 1494

E.O. 11652: GDS

TAGS: CASC BF (SHOBEK, MICHAIAH)

SUBJ: MICHAIAH SHOBEK APPEAL

REF: NASSAU 708 AND PREVIOUS

1. PERMSEC, MIN OF HOME AFFAIRS, HAS CONFIDENTIALLY INFORMED EMBASSY THAT COMMITTEE ON THE PREROGATIVE OF MERCY HAD RECOMMENDED REJECTION OF APPEAL OF MICHAIAH SHOBEK AND MINISTER OF HOME AFFAIRS HAS ACCEPTED RECOMMENDATION. MINISTER WILL ADVISE ACTING GOVERNOR GENERAL THAT THE CASE IS NOT A PROPER ONE IN WHICH TO EXERCISE THE ROYAL PREROGATIVE OF MERCY AND THAT THE LAW SHOULD TAKE ITS COURSE. THE ACTING GOVERNOR GENERAL, IN ACCORDANCE WITH THE MINISTER'S ADVICE, WILL ORDER THAT THE DEATH SENTENCE OF THE SUPREME COURT RENDERED ON MAY 13, 1974 BE CARRIED OUT.

2. THE PERMANENT SECRETARY STATED THE ABOVE INFORMATION IS NOT REPEAT NOT FOR PUBLICATION AT THIS TIME. PERMANENT SECRETARY WILL ALSO NOTIFY EMBASSY OF DATE OF EXECUTION PRIOR TO RELEASE TO PUBLIC.

3. AFTER DATE OF EXECUTION ANNOUNCEMENT, EMBASSY WITH DEPARTMENT'S CONCURRENCE WOULD RESPOND TO ANY INQUIRIES WITH FOLLOWING STATEMENT: QUOTE SINCE HIS ARREST ON JANUARY 26, 1974, THE AMERICAN EMBASSY IN NASSAU HAS BEEN CHARGED WITH THE RESPONSIBILITY OF ENSURING THAT THE RIGHTS OF MR. MICHAIAH SHOBECK, A UNITED STATES CITIZEN, WERE FULLY
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OBSERVED AND RESPECTED UNDER BAHAMIAN LAW AND GENERALLY

ACCEPTED INTERNATIONAL STANDARDS FOR THE PROTECTION OF HUMAN RIGHTS, AND THAT THE TREATMENT HE RECEIVED DURING HIS IMPRISONMENT AND TRIALS WAS THE SAME AND IN NO WAY DIFFERED FROM THAT ACCORDED TO A BAHAMIAN CITIZEN FACED WITH A SIMILAR CHARGE. THE EMBASSY IS SATISFIED THAT MR. SHOBEK'S RIGHTS DURING THIS PERIOD WERE IN FACT FULLY RESPECTED, AND THAT THE LEGAL PROCEEDINGS IN WHICH HE WAS INVOLVED WERE FAIR AND IMPARTIAL UNDER BAHAMIAN LAW. THE EMBASSY IS ALSO ADVISED THAT WITH THE DECISION OF THE COMMITTEE ON THE PREROGATIVE OF MERCY WHICH WAS ANNOUNCED ON (DATE TO BE SUPPLIED) ALL RECOURSES, LEGAL OR OTHERWISE, WHICH ARE AVAILABLE UNDER BAHAMIAN LAW HAVE BEEN EXHAUSTED. END QUOTE

3. DEPARTMENT REQUESTED TO APPROVE OR AMEND STATEMENT FOR CONTINGENCY USE.

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Margaret P. Grafeld
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